



Appeal Decision

Site visit made on 2 October 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/M3645/W/24/3342602

Castle Villa, Millers Lane, Outwood, Surrey RH1 5QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Barnett against the decision of Tandridge District Council.
 - The application Ref is TA/2023/1312.
 - The development proposed was originally described as: Demolition of two-storey rear extension and erection of new replacement two-storey rear extension to extend 6m from the rear of the original house at ground floor level, and 3m & 4m from the rear of the house at first floor level. To include 1 balcony and 1 Juliette balcony and new rooflights in main roof.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of two-storey rear extension and erection of new replacement two-storey rear extension at Castle Villa, Millers Lane, Outwood, Surrey RH1 5QB in accordance with the terms of the application, Ref TA/2023/1312, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: PLN99, PLN01, PLN02, PLN03, PLN04 and the red-edged site plan received on 31st October 2023.
 - 3) The external materials of the development hereby permitted shall match those used in the existing building.

Preliminary and Procedural Matters

2. The appeal form indicates the appeal was made in the name of one person, in contrast to that on the planning application form. Following clarification, I am satisfied that the appeal is made in both names as stated on the application form.
3. The description of development as sought refers to measurements and other details that are clearly indicated on the submitted plans. Therefore, I have removed this superfluous wording in my formal decision above.
4. The appeal was made under the Householder Appeal Service. The Council's refusal of the proposal was partly informed by observations of the appeal property. The appellants' grounds of appeal disputed the Council's observations and included evidence concerning the extent of the original building, which was not before the Council when it made its decision. Having regard to the interests of fairness, and in light of my own observations during my visit at which no one was present, I determined that the appeal procedure should be one of written representations, to allow the Council an opportunity to consider the appellants'

evidence. Further submissions were made to the appeal by the main parties accordingly, and representations were also made by interested parties.

5. A revised National Planning Policy Framework (the Framework) was published in December 2024. The main parties have had an opportunity to comment on this matter within the amended appeal timetable.

Main Issues

6. The appeal site is within the Green Belt and therefore the main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and if so,
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

7. The Framework sets out that the government attaches great importance to Green Belts; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open; and the essential characteristics of Green Belts are their openness and their permanence. Development in the Green Belt is inappropriate unless one of certain exceptions apply, including that at paragraph 154 c) of the Framework, which refers to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define what might be considered as disproportionate, and the definition of an 'original building' in the Framework is as it existed on 1 July 1948, or if constructed after that date, as it was built originally.
8. Taken together, Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) do not permit inappropriate development in the Green Belt unless very special circumstances are demonstrated, subject to certain exceptions. Policy DP13 refers to an exception for extensions and alterations where the proposal does not result in disproportionate additions over and above the size of an original residential building as it existed on 31 December 1968 (the effective date). This approach is in general conformity with the Framework.
9. The supporting text to TLP Policy DP13 indicates that the Council will adopt a pragmatic approach, taking into account factors such as the size of the original building, the bulk, height, mass and prominence of the extension/alteration and the impact of the proposal on the openness of the Green Belt. External volume is generally used as a measure (rather than footprint) and detached structures within the curtilage will be excluded from the calculations. However, some of these factors go beyond those of size, and there is no indication of any percentage increase in volume that might be regarded as disproportionate. In any event, whether the proposal is disproportionate is largely a matter of planning judgement, based on a number of factors pertaining to size. Although the supporting text refers to the impact upon openness, this is not within the policy wording.
10. The appeal property is a two-storey detached dwelling on a large and very deep plot and appears as a two-bay fronted property in a Victorian style. To the rear is a centrally sited gabled projection of two storeys height. Attached to each side of that projection are single storey structures, with one having a flat roof. As such, the rear

part of the building appears as part single/part two storey. A lean-to conservatory is sited along the easterly flank of the building, and there are two outbuildings in proximity.

11. There is no planning history for the site. I note that the description of development as sought refers to the demolition of extensions and distance from *the original house* (my emphasis in italics). In any event, the Council considered the building as originally built to be only the front section of the dwelling, comprising the entrance hall and two rooms each to the ground floor and first floor. Consequently, all other parts were considered as later additions, with the lean-to conservatory and flat roofed single storey structure considered to be built after 1968. In the Council's view, the proposal would therefore result in a situation where cumulative additions after 1968 would represent a 62% uplift in floorspace to the 'original building', thus forming the larger proportion of the building and resulting in a disproportionate addition. This position is effectively maintained in the Council's appeal submissions.
12. The appellants' evidence includes an extract from a title plan dated March 1967 drawn against an Ordnance Survey base map dated 1966. This clearly shows the footprint of the building to include the area presently occupied by the central two storey rear projection and both of its single storey flanking structures; and a structure which appears to be commensurate with the lean-to conservatory. It also shows the presence of the larger outbuilding towards the westerly flank of the dwelling, in the same location as that existing, but not the smaller outbuilding towards the easterly boundary. The Council does not address this specific evidence in its appeal submissions. In the absence of any compelling evidence to the contrary, I give more weight to the appellant's evidence, and I therefore find that for the purposes of the effective date, the 'original building' is as depicted in the extract of the title plan.
13. The appellants' submissions include further evidence, including but not limited to a witness statement from a previous occupier of the neighbouring property which confirms the build date of the lean-to conservatory to be 1962, and photographic evidence indicating the presence of the rear central projection and its chimney stack before the effective date. This information is not disputed by the Council in its submissions. At the very least, it could offer further support to my finding above.
14. The appellants' evidence and my own observations suggest it is likely that minor repairs and/or alterations to the built fabric of the property have been made over the passage of time, including but not limited to some altered openings. The rear projections have common architectural detailing to that of the rest of the building, including brickwork detailing and chimney detailing. There is some evidence to suggest a pitched roof form may have once existed above the flat roofed single storey projection.
15. In any event, on the undisputed evidence of the extract from a title plan, I am satisfied that the footprint of the 'original building' at the effective date would include the rear single storey flat roofed structure and lean-to conservatory. The 'original building' would therefore have a footprint of about 65m², and an internal floorspace of about 106m². Consequently, the proposal would not result in the scale of uplift calculated by the Council. As a result of the proposal, the footprint depth would be modestly extended, and on the appellants' figures, the uplift in internal floorspace would be about 50.5m², representing about 47%, which would be less than half of the original building.

16. There are no volume calculations before me from either party. The increase in external volume would be largely confined to the rear of the building across the full width of its rear elevation to a modest depth, with an altered roofscape, to include the space above the flanking single storey rear projections. The eaves/ridge heights of the proposal would not exceed those of the existing building. The proposal would not therefore appear as a prominent addition, nor would it result in such a significant degree of further bulk and mass such that it would appear disproportionate.
17. In my judgement, the proposal would meet the terms of the exception at paragraph 154 c) of the Framework, and it would therefore not be inappropriate development in the Green Belt. In accordance with established caselaw¹, it would therefore not be regarded as harmful either to openness of the Green Belt or to the purposes of including land within it. In view of this, the appeal proposal would also accord with Policy DP10 and DP13 of the TLP. For the reasons above, I therefore conclude that the proposed development would not be inappropriate development within the Green Belt. Given this conclusion, it is not necessary for me to consider the second main issue.

Other Matters

18. For the avoidance of doubt, the officer report which considered the application found the proposal to be acceptable in terms of the character and appearance of the area, and that there would be no significant impact upon privacy or residential amenity. I find no reason to consider otherwise.
19. The appellants draw my attention to the effect of permitted development rights as a potential fallback position; and various other matters, which are also raised by interested parties in support of the proposal. Given my conclusion on the main issue, it is not necessary for me to consider these matters further. The appellants' concerns regarding the handling of the planning application by the Council have no bearing on my consideration of the planning merits of the proposal.

Conditions

20. I have considered the conditions suggested by the Council and in light of the Planning Practice Guidance. To meet legislative requirements, a condition is imposed to address the period for commencement. It is necessary that the development is be carried out in accordance with the approved plans, in the interests of certainty. A matching materials condition is imposed in the interests of the character and appearance of the development and the wider area.

Conclusion

21. For the reasons given above the appeal should be allowed and planning permission should be granted, subject to the conditions I have set out.

J Moore - INSPECTOR

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404